

1 TROJAN LAW OFFICES  
2 R. JOSEPH TROJAN - #137067  
3 9250 Wilshire Blvd, Suite 325  
4 Beverly Hills, CA 90212  
5 Telephone: (310) 777-8399  
6 Facsimile: (310) 777-8348

7 Attorneys for Plaintiff  
8 PHOENIX SOLUTIONS, INC.

9 KEKER & VAN NEST, LLP  
10 DARALYN J. DURIE - #169825  
11 EUGENE M. PAIGE - #202849  
12 RYAN M. KENT - #220441  
13 SONALI D. MAITRA - #254896  
14 710 Sansome Street  
15 San Francisco, CA 94111-1704  
16 Telephone: (415) 391-5400  
17 Facsimile: (415) 397-7188

18 Attorneys for Defendant  
19 WELLS FARGO BANK, N.A.

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO DIVISION

23 PHOENIX SOLUTIONS, INC., a California  
24 corporation,

25 Plaintiff,

26 v.

27 WELLS FARGO BANK, N.A., a Delaware  
28 corporation,

Defendant.

Case No. CV 08-0863 MHP

**STIPULATION AND [PROPOSED]  
ORDER PURSUANT TO LOCAL RULE  
7-12 REGARDING DATE OF INITIAL  
CASE MANAGEMENT CONFERENCE**

1 Pursuant to Local Rule 7-12, undersigned counsel for Phoenix Solutions, Inc.  
2 (“Phoenix”) and Wells Fargo Bank, N.A. (“Wells Fargo”) jointly and respectfully submit this  
3 stipulation regarding the date of the Initial Case Management Conference in this matter.  
4

5 1. On March 27, 2008, following transfer of the matter to this Court, the Court  
6 entered an order setting the Initial Case Management Conference for May 5, 2008, at 4:00 p.m.

7 2. Counsel for Phoenix had a conflict with the May 5 date, and Wells Fargo did not  
8 oppose Phoenix’s request to reschedule the Initial Case Management Conference for June 9,  
9 2008, at 4:00 p.m.

10 3. On April 25, 2008, the Court entered an Order rescheduling the Initial Case  
11 Management Conference in this matter for June 9, 2008, at 4:00 p.m.

12 4. On May 27, 2008, the Court entered an Order rescheduling the Initial Case  
13 Management Conference in this matter for June 2, 2008 at 2:00 p.m.

14 5. Upon receiving the May 27, 2008 Order, counsel for Wells Fargo informed  
15 counsel for Phoenix that Daralyn Durie, lead counsel for Wells Fargo, has a conflict with  
16 appearing on June 2, 2008 at 2:00 p.m. because of a previously scheduled deposition. Counsel  
17 for Phoenix has no objection to rescheduling the Initial Case Management Conference for the  
18 previously set date and time of June 9, 2008 at 4:00 p.m.

19 6. Counsel for Phoenix and Wells Fargo therefore stipulate to, and respectfully  
20 request, an Order rescheduling the Initial Case Management Conference for Monday, June 9,  
21 2008 at 4:00 p.m., the date for which it was previously set in the April 25, 2008 Order.

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1           7.       In the event that the Court is not inclined to grant the parties' request to hold the  
2 Initial Case Management Conference on June 9, the parties stipulate that Ms. Durie is not  
3 required to attend the Initial Case Management Conference because of her scheduling conflict,  
4 and respectfully request that the Court excuse her absence.

5 Dated: May 28, 2008

TROJAN LAW OFFICES

6  
7 By: /s/ R. Joseph Trojan

8 R. Joseph Trojan  
9 Attorneys for Plaintiff  
10 PHOENIX SOLUTIONS, INC.

11 Dated: May 28, 2008

KEKER & VAN NEST, LLP

12  
13 By: /s/ Eugene M. Paige

14 Eugene M. Paige  
15 Attorneys for Defendant  
16 WELLS FARGO BANK, N.A.

17 **[PROPOSED] ORDER**

18       Upon the joint stipulation of the parties, the request to reschedule the Initial Case  
19 Management Conference for June 9, 2008 at 4:00 p.m. is GRANTED.

20       PURSUANT TO STIPULATION, IT IS SO ORDERED.

21  
22 Dated:

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25 HON. MARILYN HALL PATEL  
26 UNITED STATES DISTRICT JUDGE  
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